

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

RECEIVED
CENTRAL FAX CENTER

JUL 03 2007

REMARKS/ARGUMENTS

Status of Claims

Claims 1 to 43 remain in the application. Claims 44 to 55 have been added.

Claim Amendments

Claims 6, 12, 13, 14, 15, 19, 22, 26, 28, 30, 33-39 and 41-43 have been amended.

Claim 6 has been amended to correct an antecedent issue by replacing the expression "the data address corresponding to the second apparatus" with "a data address corresponding to the second apparatus".

Claim 12 has been amended to improve clarity by replacing: (1) the expression "the at least one mobile telephone station each having a respective maintained communication link" with "each of the mobile telephone stations of said first set having a respective maintained communication link"; (2) the expression "means for grouping at least two telephone stations of the at least one mobile telephone station and the at least one fixed wire telephone station" with "means for grouping at least two telephone stations of said first set of at least one mobile telephone station and said second set of at least one fixed wire telephone station"; and (3) the expression "means for enabling communication of the data unit from the first telephone station to the second telephone station, through the respective maintained communication link of the first telephone station if the first telephone station is a mobile telephone station and through the respective maintained communication link of the second telephone station if the second telephone station is a mobile telephone station, only if they are both members of the private network group" with "means for enabling communication of the data unit from the first telephone station to the second telephone station, through the respective maintained communication link of the first telephone station if the first telephone station is a mobile telephone station, through the respective maintained communication link of the second telephone station if the second telephone station is a mobile telephone station, and through the respective maintained

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

communication links of the first and second telephone stations if they are both mobile telephone stations, only if they are both members of the private network group".

Claim 13 has been amended to improve clarity by replacing the expression "the means for grouping at least two telephone stations of the at least one mobile telephone station and the at least one fixed wire telephone station" with "the means for grouping at least two telephone stations of said first set of at least one mobile telephone station and said second set of at least one fixed wire telephone station"

Claim 14 has been amended to correct an antecedent issue by replacing the expression "the mobile telephone station" with "the at least one mobile telephone station".

Claim 15 has been amended to correct an antecedent issue by replacing the expression "the fixed wire telephone station" with "the at least one fixed wire telephone station".

Claim 19 has been amended to improve clarity by replacing the expression "the means for grouping at least two telephone stations of the at least one mobile telephone station and the at least one fixed wire telephone station" with "the means for grouping at least two telephone stations of said first set of at least one mobile telephone station and said second set of at least one fixed wire telephone station".

Claim 22 has been amended to recite *inter alia*:

"wherein each of the apparatus comprises means for grouping at least two telephone stations of the plurality of sets of at least one telephone station[[s]] as members of a private network group; means for determining if a first telephone station of the plurality of sets of at least one telephone station that maintains [[a communication link of the]] one of said communication links with a first one of the plurality of apparatus and is sending a data unit, and a second telephone station of the plurality of sets of at least one telephone station that maintains [[a communication link of the]] another one of said communication links with a second one of the plurality of apparatus and is scheduled to receive the data unit are both members of the private network group;"

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

Claim 22 was amended to address the Examiner's rejection under 35 U.S.C. 112.

Claim 26 has been amended by replacing the expression "coupled within" with "in communication with" in order to more clearly define the claimed invention.

Claim 28 has been amended to correct a grammatical error by replacing the expression "a respective maintained a communication link" (emphasis added) with "a respective maintained communication link".

Claim 30 has been amended by replacing the expression "coupled between" with "in communication with" in order to more clearly define the claimed invention.

Claim 33 has been amended to correct an antecedent issue by replacing the expression "the component interface port" with "the interface port".

Claim 34 has been amended by replacing the expression "a component interface port" with "an interface port" to conform to the language used in claim 32.

Claim 35 has been amended in accordance with the amendment to claim 34 by replacing the expression "the component interface port" with "the interface port".

Claim 36 has been amended to correct a grammatical error and to correct an antecedent issue, respectively, by replacing the expressions "each have a respective maintained a communication link" (emphasis added) and "a method of enabling communication of a data unit from a first mobile station to a second mobile station" with the expressions "each have a respective maintained communication link" and "a method of enabling communication of a data unit from a first mobile station of said plurality of mobile stations to a second mobile station of said plurality of mobile stations", respectively.

Claim 37 has been amended to correct a typographical error by replacing the expression "the grouping at last two of" with "the grouping of at least two of". Claim 37 has also been amended for the sake of clarity by replacing "comprising" with "comprises" and by slightly revising the formatting of the claim.

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

Claim 38 has been amended to correct typographical errors by replacing "the grouping at least two" with "the grouping of at least two". Claim 38 has also been amended for the sake of clarity by replacing "comprising" with "comprises" and by slightly revising the formatting of the claim.

Claim 39 has been amended to replace the expression "The method according to claim 36 comprising" with "The method according to claim 36, further comprising".

Claims 41 and 42 have been amended for the sake of clarity by replacing "comprising" with "comprises" and by slightly revising the formatting of the claims.

Claim 43 has been amended in a manner similar to that of claim 39 by replacing the expression "The method according to claim 40 comprising" with "The method according to claim 40, further comprising".

Claims 44 to 55 have been added to claim further aspects of the present invention.

35 U.S.C § 112 Claim Rejections

In paragraph 2 of the Office Action, the Examiner rejected claims 22-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner objected to the expressions "the first mobile station" and "the second mobile station" in claim 22 as lacking a proper antecedent basis.

To begin, it is noted that the expressions "the first mobile station" and "the second mobile station" are not present in claim 22 as amended in the Voluntary Amendment submitted on October 6, 2006. In the Voluntary Amendment, these expressions were replaced with the expressions "the first telephone station" and "the second telephone station", respectively. Nonetheless, as described above, claim 22 is currently amended to clarify that "the first telephone station" and "the second telephone station" are part of the "plurality of sets of at least one telephone station".

In view of the foregoing, it is respectfully submitted that claim 22, as currently amended,

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

and claims 23-27, which are dependent therefrom, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 22-27 under 35 U.S.C. § 112.

35 U.S.C § 103 Claim Rejections

In paragraph 4 of the Office Action, the Examiner rejected claims 1-3, 5-6, 8-12, 21-22, 23, 28 and 36-43 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to U.S. Patent No. 6,115,613 to Jonsson (hereinafter referred to as "Jonsson") in view of U.S. Patent No. 6,032,051 to Hall et al. (hereinafter referred to as "Hall").

In paragraph 5 of the Office Action, the Examiner rejected claims 4, 7, 26-27 and 30 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to Jonsson in view of Hall and further in view of U.S. Patent No. 6,549,768 to Fraccaroli (hereinafter referred to as "Fraccaroli").

In paragraph 6 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to Jonsson in view of Hall and further in view of U.S. Patent No. 6,249,584 to Hamalainen et al (hereinafter referred to as "Hamalainen").

The requirements for establishing a *prima facie* case of obviousness as set out in the MPEP Section 2143.01 require that the references when combined: (1) teach all of the claimed limitations; (2) that there be a motivation/reason to combine the references; and (3) that there be a reasonable expectation of success in realizing the claimed invention. (The third requirement is only relevant to claims covering chemical inventions, which is not the case here, and therefore this third requirement is not discussed below.)

Before setting forth a discussion of the prior art applied in the Office Action, it is noted that the United States Supreme Court recently addressed the motivation/reason requirement that an Examiner must satisfy in order to determine that the subject matter of a claim is obvious based on the combination of two or more references. Specifically, in the ruling in *KSR International*

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

Co. v. Teleflex Inc. et al., 550 U.S. ____ (2007), the United States Supreme Court stated:

"Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, **this analysis should be made explicit**. ... it can be **important to identify a reason** that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." (emphasis added)

It is further noted that the opinion of the United States Supreme Court is explicitly mandated in the USPTO memo to the Technology Center Directors from Margaret A. Focarino, Deputy Commissioner for Patent Operations, on May 3, 2007, which states:

"Therefore, in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, **it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.**" (emphasis added)

The following analysis of the present rejections under 35 U.S.C. § 103(a) is respectfully offered with guidance from the foregoing decision of the United States Supreme Court and the related USPTO memo.

With reference to the Examiner's rejection of claims 1-3, 5-6, 8-12, 21-22, 23, 28 and 36-43 under 35 U.S.C. § 103(a) based on the combination of Jonsson and Hall, it is respectfully submitted that the first requirement for establishing a *prima facie* case of obviousness cannot be established. That is, the cited references do not teach all of the claimed limitations. Specifically, no combination of Jonsson and Hall teaches or even suggests "means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective

JUL 03 2007

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group", as recited in independent claim 1, and as recited in the corresponding limitations of independent claims 11, 12, 22, 28, 36 and 40.

On page 5 of the Office Action, the Examiner acknowledges that Jonsson fails to disclose "means for enabling communication of a data unit from a first mobile station to a second mobile station through respective maintained communication links of the first mobile station and the second mobile station only if they are both members of a private network group". However, contrary to the Examiner's assertion, Jonsson also fails to teach or even suggest "means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group".

Jonsson teaches a system and method for providing mobile radio telephone service to a plurality of members of a subscriber group. The subscription limits the number of communication channels that the subscription group has access to at a given time, allowing the network operator to spread subscriber traffic over a larger period of time.

The system processes ingoing and outgoing calls to the members of a subscription group and only completes calls that are allowable under the terms of the subscription. For example, the subscription may limit the number of simultaneous communication channels, or may limit the total amount of talk time for a given subscription period.

The system can individually identify each of the members of the subscription group, which allows each member to be allocated specific rights/limitations by the system in addition to the rights/limitations of the subscription group.

There is no indication that calls between group members are handled differently than calls between members of different groups. Accordingly, as stated above, the Examiner has acknowledged that Jonsson fails to teach "means for enabling communication of a data unit from a first mobile station to a second mobile station through respective maintained communication links of the first mobile station and the second mobile station only if they are both members of a private network group". Moreover, ingoing and outgoing calls are processed at a service node 101, with which the mobile stations do not maintain communication links. The private

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

automatic branch exchange (PABX) 102 routes call attempts through the service node 101, which determines if the call attempts are completed.

Furthermore, as noted above, the Examiner's assertion that Jonsson discloses "means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group", is not true. While Jonsson does disclose embodiments in which the identity or subscription group/identity of a mobile station that initiates a call is determined (see column 3, lines 10-27), and embodiments in which the identity or subscription group/identity of a mobile station that is to receive a call is determined (see column 3, lines 28-41), Jonsson does not teach a "means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of a private network group".

With reference to Hall, the Examiner has asserted that Hall discloses "means for enabling communication of a data unit from a first mobile station to a second mobile station through respective maintained communication links of the first mobile station and the second mobile station only if they are both members of a private network group". However, it is respectfully submitted that Hall fails to disclose this particular feature, as established below.

Hall teaches wireless mobile communication devices and a home location register (HLR) that automatically transmit therebetween information regarding the status of the devices. The information can either be transmitted directly between the devices using the standard communication channels of a wireless network, or through the HLR. A plurality of mobile devices can be listed as a group and the status checks/updates can be limited to devices that are part of the group. When the status information is shared directly between the devices, the status information and the group membership information is stored on the devices. When the status information is shared via the HLR, the status information and the group membership information is stored on the HLR as a master source and the devices check/update status information from/to the HLR.

The Examiner has pointed to Column 6, lines 48-53 of Hall in support of the assertion that Hall discloses "means for enabling communication of a data unit from a first mobile station

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

to a second mobile station through respective maintained communication links of the first mobile station and the second mobile station only if they are both members of a private network group".

However, this portion of Hall merely states that "[t]he group select input of FIG. 3 is a user input that selects which group is to be monitored. Moreover, the group select input can designate the selected group as a closed user group so that the device 31, while the closed user group designation is active, communicates to and receives communication from only the group members in the selected group". It is noted that this particular feature of Hall is limited to only the embodiment that involves direct communication between devices. The group select input is individual to the user, i.e., it is not a universal choice, and the individual device user can define his own group on his device, which does not have maintained communication links with other devices. This is quite different from the present invention, in which the apparatus has maintained communication links with each of the mobile stations and determines if data is to be communicated between the mobile stations based on whether or not they are part of the same private network.

The embodiments in which status information is shared directly between devices is not applicable to the present invention, as the apparatus that limits status updates/checks to group members is present on each of the devices, i.e., each device determines if the mobile station that is attempting to check/update its status is authorized to do so. Therefore, there are no maintained communication links between the apparatus and the devices, as each device does not maintain communication links with each of the other devices.

Furthermore, with respect to claim 22, there is certainly no suggestion in either Jonsson or Hall of a private network that includes a data network, a plurality of apparatus coupled to the data network, and a plurality of sets of at least one telephone station which are arranged to maintain wireless communication links with a respective one of the apparatus that, once established, is maintained throughout a session. In Hall, the plurality of devices either connect to each other or share a common HLR. In Jonsson, calls for members of a subscription group are routed through a service node, which controls ingoing and outgoing calls based on the subscription terms. There is no suggestion that a plurality of apparatus has the capabilities of claim 22.

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

In view of the foregoing, it is respectfully submitted that no combination of Jonsson and Hall would allow one skilled in the art to arrive at the present invention, as Jonsson and Hall, both alone and in combination, fail to teach key limitations of the independent claims. Specifically, even if, hypothetically, one were to combine the teachings of the cited references, the resulting combination(s) would lack at least the following two key limitations: "means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group"; and "means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group".

Furthermore, as mandated by the recent decision of the United States Supreme Court in *KSR International Co. v. Teleflex Inc. et al.*, and the resulting USPTO memo, the Examiner must provide an explicit reason for combining the elements of the cited references in the way the claimed invention does. As noted above, Applicant disagrees with the Examiner's assertion that the cited references include all of the claimed elements. However, it is also submitted that the Examiner has failed to even provide a satisfactory reason for combining the references, even if it is assumed that the references disclose the limitations that the Examiner alleges that they do, which Applicant contends they do not. In particular, the Examiner states that the reason one skilled in the art would add the teachings of Hall to those of Jonsson, is because doing so allegedly "provides the desirable added feature of restricting communication only to group members of the private network group in the system" (bottom of page 9 to top of page 10 of the Office Action). It is respectfully submitted that this is not an adequate reason to combine the references. It is also respectfully submitted that the Examiner has applied hindsight analysis and has attempted to justify the combination of the references through broad conclusory statements that do not provide a satisfactory reason to combine the references in the claimed manner. It is not sufficient to simply state that reference A contains element X and reference B contains element Y, therefore it would be desirable to combine the teachings of A and B to provide elements X and Y. In the absence of a credible reason for combining the references in the claimed manner, it is respectfully submitted that the Examiner has failed to satisfy the burden incumbent on him when raising a rejection under 35 U.S.C. § 103(a).

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

In view of the foregoing, it is respectfully submitted that Jonsson and Hall, both alone and in combination, fail to teach key limitations of independent claims 1, 11, 12, 22, 28, 36 and 40. Accordingly, it is respectfully submitted that the independent claims distinguish over the teachings of Jonsson and Hall and therefore are patentable, as the first requirement for a *prima facie* case of obviousness cannot be established. By virtue of their claim dependencies on one of the independent claims, it is also respectfully submitted that the dependent claims distinguish over Jonsson and Hall for at least the same reasons and therefore are patentable.

It is also respectfully submitted that the Examiner has failed to state a credible reason for combining the cited references in the claimed manner. Therefore the second requirement for establishing a *prima facie* case of obviousness has not been satisfied.

Accordingly, the Examiner is requested to reconsider and withdraw the rejection of claims 1-3, 5-6, 8-12, 21-22, 23, 28 and 36-43 under 35 U.S.C. § 103(a), as a *prima facie* case of obviousness has not been established.

Turning now to the Examiner's rejection of claims 4, 7, 26-27 and 30 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to Jonsson in view of Hall and further in view of Fraccaroli, it is respectfully submitted that the first requirement to establish a case of *prima facie* obviousness has not been satisfied. That is, the cited references do not teach all of the claimed features.

As discussed above, Jonsson and Hall fail to teach or fairly suggest at least two key limitations of the independent claims. As discussed below, it is respectfully submitted that Fraccaroli similarly fails to teach these key limitations. Accordingly, it is respectfully submitted that dependent claims 4, 7, 26-27 and 30 distinguish over Jonsson, Hall and Fraccaroli, both alone and in combination, and therefore are patentable.

It is also respectfully submitted that dependent claims 4, 7, 26-27 and 30 recite additional features that are not taught by the cited references.

Fraccaroli teaches a system and method for matching mobile stations in a wireless network so that the users of the matched mobile stations are put in touch with one another. A

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

server executes a customizable variable matching algorithm and probes the matching profiles corresponding to respective mobile units in a cell or group of cells for a match every time a new mobile unit subscribes into the cell or group of cells.

The match is based on physical location and the similarity of information that the users have stored in the network. A call between two matched users may be initiated if the users are determined to be in the same location. The matching profile can be updated either via the mobile station or a secure page on the Internet.

With respect to claims 4 and 7, the Examiner has equated the corresponding Internet Protocol (IP) data addresses of the mobile stations of the present invention with the fact that the matching profiles of mobile stations can be updated via the Internet according to Hall. This is clearly erroneous, as updating an online matching profile via the Internet is completely unrelated to corresponding IP data addresses of mobile stations.

With respect to claim 26, the Examiner acknowledges that Jonsson and Hall fail to teach the additional feature of "at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network". However, it is alleged that Fraccaroli discloses this feature, as described at column 6, lines 45-59.

On page 10, lines 11-12 of the present application, the description states that an example of an intelligent peripheral is a server. On page 11, lines 18-26, the intelligent peripheral is further described as "designed to control service features that are available to the mobile station with the cell cluster. Further, the intelligent peripheral 22 maintains a registry of all the mobile stations assigned to the MSC 20 by maintaining a database with all their HLRs". Fraccaroli discloses that 3rd generation handsets are expected to include a capability of providing information about the user's location and thus facilitate mobile-based positioning. Fraccaroli does not disclose a peripheral with the capabilities described in the present invention. Fraccaroli instead discloses a 3rd generation handset having functionality unrelated to the functionality of Applicant's intelligent peripheral.

With respect to claim 27, while Fraccaroli may teach that a server is connected to a LAN

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

as part of a data network, the server disclosed by Fraccaroli does not have any of the features of the apparatus disclosed in claim 22, from which claim 27 depends. Accordingly, the functionality of the server disclosed by Fraccaroli is completely unrelated to the functionality of the server recited in claim 27.

With respect to claim 30, this claim recites a mobile switching center in communication with the apparatus and the radio network controller, the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster. Fraccaroli illustrates in Figure 1 a plurality of service areas 103 each served by a mobile switching center 104. The Examiner has pointed to the virtual location register mobile switching center 104 shown in Figure 1 of Fraccaroli in support of the rejection of claim 30. However, Fraccaroli fails to provide a teaching as to how one should configure a network to include the apparatus of the claimed invention. While the description of Fraccaroli refers to a base station controller, one is not shown in Figure 1, and Fraccaroli does not explicitly show or refer to "a mobile switching center in communication with the apparatus and the radio network controller".

In view of the foregoing, it is respectfully submitted that the first requirement for a *prima facie* case of obviousness has not been satisfied in respect of dependent claims 4, 7, 26-27 and 30, as the claimed references fail to teach all of the claimed limitations.

In addition, even if, hypothetically, the references taught all of the claimed limitations, which Applicant submits that they do not, it is respectfully submitted that the Examiner has failed to explicitly state a satisfactory reason for combining the references in the claimed manner.

On page 13 of the Office Action, the Examiner stated that the motivation for combining the references is that doing so allegedly "provides the added feature of using third generation wireless network including the Internet and efficiency of design by using the server and mobile switching center in a wireless network". It is respectfully submitted that the Examiner has applied hindsight analysis in rejecting these claims, as the motivation provided by the Examiner for combining elements of Fraccaroli with those of Jonsson and Hall is merely to realize the benefit of the additional elements. This is not a sufficient reason to combine references and does not satisfy the Examiner's burden in that regard.

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

Therefore, the Examiner has failed to satisfy the second requirement for establishing a *prima facie* case of obviousness.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 4, 7, 26-27 and 30 under 35 U.S.C. § 103(a), as the first and second requirements for establishing a *prima facie* case of obviousness have not been satisfied.

With regard to the Examiner's rejection of claim 31 under 35 U.S.C. § 103(a) as being obvious to a person skilled in the art having regard to Jonsson in view of Hall and further in view of Hamalainen, it is respectfully submitted that the first requirement to establish a case of *prima facie* obviousness has not been satisfied. That is, the cited references do not teach all of the claimed features.

Claim 31 is dependent on claim 28. As discussed above, Jonsson and Hall fail to teach or fairly suggest key limitations of claim 28. As discussed below, it is respectfully submitted that Hamalainen similarly fails to teach these key limitations. Accordingly, it is respectfully submitted that dependent claim 31 distinguishes over the cited references, both alone and in combination, and therefore is patentable.

Hamalainen discloses a method for indicating enciphering of data transmission between a mobile communication network and a mobile station in the mobile communication network. However, Hamalainen teaches absolutely nothing about the two key limitations missing from the teachings of Jonsson and Hall, and therefore Hamalainen fails to overcome the deficiencies of Jonsson and Hall.

The Examiner has stated that a motivation for combining Hamalainen with Jonsson and Hall is "that it provides the added feature of connecting a personal computer or data terminal into the wireless network of Jonsson and Hall et al." There is no clear indication in this statement of motivation that suggests why a person skilled in the art would look to Jonsson, which is directed to managing voice calls amongst a subscriber group of mobile phone users, and to Hall, which is directed to transmitting status information between wireless devices, and then look to Hamalainen, which deals with enciphering data, to arrive at the recited invention. Accordingly, it is respectfully submitted that the Examiner's stated motivation to combine the references does

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

not constitute a sufficient reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.

Therefore, the Examiner has failed to satisfy the second requirement for establishing a *prima facie* case of obviousness.

As the Examiner has failed to satisfy the first and second requirements for establishing a *prima facie* case of obviousness with respect to claim 31, for at least the reasons discussed above, Applicant submits that claim 31 patentably distinguishes over the combination of Jonsson, Hall and Hamalainen. It is respectfully requested that the Examiner reconsider and withdraw the rejection of claim 31 under 35 U.S.C. § 103(a).

New Claims

New claims 44-55 have been added to claim additional aspects of the present invention. It is respectfully submitted that new independent claims 44 and 45, and new dependent claims 46-55, clearly distinguish over the references cited by the Examiner.

New independent claim 44 distinguishes over the cited references for at least the same reasons specified above in respect of the other independent claims. In addition, new independent claim 44 recites *inter alia*:

"means for receiving data packets from members of the private network group,
each packet having a source and a destination; and

means for enabling communication that for each packet received:

determines if the source and destination both belong to the private

network; and

forwards the packet to the destination only if the source and destination

both belong to the private network." (emphasis added)

Clearly, new independent claim 44 recites controlling data packet communications

Appl. No. 09/466,124
Amdmt. Dated July 3, 2007

RECEIVED
CENTRAL FAX CENTER

JUL 03 2007

between a plurality of mobile stations on a **per-packet basis**, which is a feature that is not present in any of the references cited by the Examiner. Jonsson is directed solely to initializing and terminating voice calls for telephone service subscribers. There is no suggestion in Jonsson of data packet handling on a per-packet basis. Hall is directed to transmitting status information between wireless devices either directly or via an intermediate HLR. There is no suggestion in Hall that individual data packets are processed on a per-packet basis. Fraccaroli and Hamalainen are similarly deficient and are directed to very different technologies that are unrelated to per-packet data handling in a private network.

New independent claim 45 distinguishes over the cited references for at least the same reasons as those stated above in respect of independent claims 1, 11, 12, 22, 28, 36 and 40. By virtue of their claim dependencies on new independent claim 45, it is submitted that new dependent claims 46-55 are novel and inventive over the cited references for at least the same reasons.

In view of the foregoing, it is respectfully submitted that new claims 44-55 are novel and inventive.

In view of the foregoing, early favorable consideration of this application is earnestly solicited. In the event that the Examiner has concerns regarding the present response, the Examiner is encouraged to contact the undersigned at the telephone listed below.

Respectfully submitted,

MITCH A. BRISEBOIS, ET AL

By


Allan Brett

Reg. No. 40,476

Tel.: (613) 232-2486 ext. 323

Date: July 3, 2007

RAB:JFS:sng

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.